

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 132, being "An Act to amend Chapter 32 of the Special Laws of the Twenty-eighth Legislature, creating a road law for Henderson county, and being entitled 'An Act to create a more efficient road law for Henderson county, creating the office of County Road Superintendent, describing his qualifications and duties; providing for working county and State convicts and delinquent poll tax payers on public roads; rewards and penalties for escaped convicts; for the appointment and duties of road overseers, and fixing the amount of their pay, and prescribing penalties against road overseers, hands and road superintendents, and prescribing the duties of the county attorney, grand jury and district judge, and seeing its provisions enforced; fixing width of public roads and providing how they shall be worked, graded, etc., for the building of bridges, culverts, etc., by the lowest responsible bidder, the plan for which is furnished by the County Superintendent; for the hiring of teams, tools and wagons by the County Superintendent and overseers, and relieving of hands by paying four dollars per annum and for opening up two first class roads running east and west and north and south through the county seat; and for the appropriating for the taxes collected in each commissioner's precinct; fixing the ages of persons liable to work on roads; providing for the levy of road and bridge tax and the issuance of bonds for road and bridge purposes, and fixing the bond of the County Superintendent and road overseers and penalties to be recovered in case of a breach thereof; and providing that, in cases where there is a conflict in this and the General Laws of the State, this supersedes the General Laws, and where there is no conflict the General Laws still remain in force; adding Sections 8a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j and 8k thereto, and providing for Commissioners Court, and declaring an emergency,"

And find the same correctly enrolled.
TERRELL, Chairman.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas.

Tuesday, March 7, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the fol-

lowing Senators answering to their names:

Barrett.	Looney.
Beaty.	Martin.
Brachfield.	McKamy.
Davidson.	Meachum.
Faust.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Harbison.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

Absent.

Chambers.	Glasscock.
Decker.	Griggs.
Faulk.	Hanger.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Stone the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stone:

Hon. Thomas P. Stone, State Senator, Austin Texas.

Dear Sir: We the undersigned merchants of the city of West, Texas, would respectfully ask that you use your influence to have "the guarantee clause" become a part of the proposed "pure food law" now pending in the senate. Said guarantee clause reading as follows:

"Provided that a retail dealer found in possession of an article or articles which do not comply with this act shall be exempt from the prosecution if he can show a written or printed guarantee signed by the manufacturer or wholesaler, or his agent, from whom he purchased the goods to the effect that they do conform to this act;

Provided further, that the manufacturer or wholesaler issuing such guarantee be a resident of the State of Texas.

Numerously signed.

By Senator Harper:

To the Senate of the State of Texas.

Gentlemen: We, the citizens of Franklin, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give the people relief from the vicious features of the cold storage and clubs now operated in prohibition districts in this State.

Numerously signed.

By Senator Hawkins:
Mineral Wells, Tex., Palo Pinto Co.,
March 3, 1905.

To the Senators of the State of Texas.
We, the citizens of the State of Texas, most respectfully and earnestly petition your honorable body to use your voices and vote in support of the present law, exempting drugless doctors from the operation of the medical practice act, and that in any amendment to the law that you may enact, we pray that all those who treat the sick without drugs, may under the law continue in such practice.

We wish to express our confidence in drugless methods, and our satisfaction with the law as it now exists.
Numerously signed.

By Senator Paulus:

La Grange, Tex., March 2, 1905.
To the Senators of the State of Texas.

We the citizens of the State of Texas, most respectfully and earnestly petition your honorable body to use your voices and vote in support of the present law, exempting drugless doctors from the operation of the medical practice act, and that in any amendment to the law, that you may enact, we pray that all those who treat the sick without drugs, may under the law continue in such practice.

We wish to express our confidence in drugless methods and our satisfaction with the law as it now exists.
Numerously signed.

By Senator Martin:

Rogers, Texas, March 6, 1905.
To the President and Members of the Senate of Texas.

We the undersigned respectfully petition your honorable body for the enactment into laws of House bill No. 460, designed to give relief from C. O. D. shipments and the soliciting of orders in local option districts; also House bill No. 93, regulating liquor cold storages; and also a general law prohibiting the drinking of intoxicating liquors in public places other than licensed saloons, so as to protect railroad trains, depots, etc., frequented by women and children from drinking rowdies. We submit the experience in local option counties has demonstrated most conclusively the imperative necessity for the enactment of these laws to prevent the frequent defiance of the will of the people, where by vote they decreed that the public dram shop in their midst shall be closed.

We also ask that joint resolution for a constitutional amendment that will extend the scope of local option so as to include not only the sale, but also the gift, exchange and introduction of liquors in local option districts shall be submitted to the people.

Numerously signed.

By Senator Martin:

A MEMORIAL.

Meridian, Texas, March 3, 1905.
Hon. B. W. Martin, Austin, Texas.

Dear Sir: As an humble citizen and small taxpayer, I hope you will excuse me for calling your attention to a few things coming before the Legislature.

First. Some one has introduced a bill requiring notaries public to have their names engraved on their seals. If such a bill should pass it would render the seals of all the notaries in the State valueless (destroying their property by act of the Legislature) and making it necessary for each one who may qualify to throw his seal away and patronize the seal maker (for whose benefit I suppose the bill was introduced) to the amount of \$2.50 or \$3.00 for a new seal. I do not know how many notaries there are in the State, but suppose there are some thousands. The changing the seal would be a loss of the value of his seal and a considerable benefit to the seal makers. If such bill should come up in the Senate, I hope you will oppose it with success.

Second. There are bills introduced to increase the salaries of district judges. The increase of judges does not procure judges of greater ability. By the Constitution of 1845 the salaries of supreme judges were fixed at \$2000, and of district judges at \$1750, and could not be increased for ten years. By act of February 2, 1856, the salaries of supreme judges were raised to \$3000 and of district judges to \$1750. Did we get any better judges by raising the salaries. If I recollect right, every district judge in the State but one, Judge Baylor, whose term was nearly out, resigned because the salary could not be raised during their term, and announced as candidates for re-election, and were elected. Among the number, I think, was Judge Reagan. So there was no greater talent or learning obtained. The salary is now \$2500, and our district judges are men of legal learning and ability, and generally when their terms expire they want to be re-elected, and generally have able competition. They do not generally have very hard work, and have a pretty good time, so I think their salaries are high enough.

Third. The last Legislature appropriated out of the general revenue \$48,006.66 for support of the State University for each of the years September 1, 1903, to August 31, 1904, and September 1, 1904, to August 31, 1905 at the called session, 1903. Total for the two years, \$96,013.32. No doubt the University

folks are still asking large appropriations to enable them to pay large salaries to professors and teachers, who have light work to do. The last time I had an opportunity to compare the number of teachers to the number of students, omitting the medical branch, there was one teacher for ten students, which makes very light work. (In our best public schools our teachers have to teach from forty to fifty children.) Let the University cut down the number of teachers until the income from its endowment of lands, etc., will support it, and if not, supplement the income by tuition, and don't let the Legislature appropriate the general revenue, raised chiefly by taxing people of moderate means, to support that aristocratic school for the education of rich men's children. The large mass of taxpayers can not send their children to the State University, and therefore should not be taxed on their small holdings to support it. It is not just, for it is conceded that the the wealthy do not pay taxes in proportion to their wealth.

Fourth. There is no necessity for the State to spend money supporting so many normal schools, and especially for the payment of the expenses of students at the normals appointed by members of the Legislature. We have an abundant supply of teachers, the greater number of whom have educated themselves (this is proved by the number of applicants for situations in our public schools, more teachers than places.) I see it stated that the committee that visited the Prairie View (negro) Normal will recommend the passage of a bill to erect at Prairie View a building to cost \$25,000, to be devoted to the industrial education of the negro. I hope such measure will be defeated, as I am opposed to the State spending money to make skilled mechanics and artisans of negroes to make them competitors of our white people in skilled labor.

Fifth. As to the free pass matter, I think that would better be left to the railroads to do as they please.

All these extravagant appropriations in face of a large deficiency in the State Treasury. We hear much about the necessity of an increase of the rate of taxation, which, I suppose, will have to be done. But not a word do we hear of the reduction of expenses. If this Legislature follows the example of the Twenty-eighth, by making appropriations so extravagantly, without providing funds to meet the liabilities of the State, it will be a sad commentary on the wisdom of our boasted democratic party. Extravagance has caused the deficiency, and if that extravagance

continues the deficit is likely to increase. Can't the Legislature pass some law that will prevent liquor drummers from canvassing local option territory? If not, there is a reserved right in society to protect itself which, when lawful means fail to protect, sometimes develops what is called "mob law."

I have noticed that some one has proposed to reduce the age of consent for a girl from 15 to 12 years. If such matter comes up I hope the author of it will be sat down on so hard it will crush out his political life.

This is a very scattering communication, but have written as I could think of subjects about which I wished to say something. Yours very respectfully,
T. C. ALEXANDER.

By Senator Hale:

Whereas, there is a certain measure pending before the Senate of the State of Texas, intended to increase tax on life insurance premiums to 2 1-2 per cent gross; and

Whereas, we believe that the existing tax of 2 per cent is now sufficiently severe and pays larger proportion of taxes than any other property; and

Whereas, in our opinion the time to tax our insurance is the time when it becomes a part of our estate by maturity or death; and

Whereas, we can not see the reason to impose any tax on the frugality and foresight of a man who is striving to pay his debts in case of death and in a measure make his family independent of his neighbors.

Now, therefore, we respectfully ask our Senator, Hon. J. M. Hale, to vote and use his influence against the passage of the Bowser bill.

Numerously signed.

By Senator Skinner:

Cleburne, Texas, March 4, 1905.
To the Hon. S. P. Skinner, Austin, Texas.

The undersigned retail grocery merchants of Cleburne, Texas, respectfully petition your honor to vote and urge the guarantee clause as is contained in the Pure Food bill now pending before the Congress of the United States, and we wish to have the same clause inserted in the Pure Food bill now pending in the Senate of the State of Texas. It is only fair and just to the retailer. It will protect us from prosecution at the hands of the unscrupulous inspectors as well as manufacturers. The guaranteed clause we respectfully urge your vote and influence in getting said clause inserted in the Pure Food bill, to-wit.

"GUARANTEE CLAUSE."

"Provided, that a retail dealer found in possession of any article or articles

which do not comply with this act, shall be exempt from prosecution if he can show a written or printed guarantee signed by the manufacturer or wholesaler or his agent from whom he purchased the goods, to the effect that they conform to this act."

"Provided further, that the manufacturer or wholesaler issuing such guarantee be a resident of the State of Texas."

Numerously signed.

EXECUTIVE MESSAGE.

The Chair laid before the Senate the following from the Governor:
Executive Office.

Austin, Texas, March 6, 1905.

To the Senate and House of Representatives.

It becomes my painful duty to inform you of the death of Hon. John H. Reagan, which occurred at his home near Palestine, Texas, at 5:30 a. m., March 6, 1905.

The distinguished character of Judge Reagan and the eminent public service, State and National, rendered by him are such as to require more than ordinary recognition of his passing away. Suitable tribute to this great and good man and commemoration of his work and worth may well receive our attention and consideration.

S. W. T. LANHAM,
Governor.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature,
Austin, Texas, March 7, 1905.
Hon. Geo. D. Neal, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 251, a bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, and amended at the regular session of the Twenty-sixth Legislature, and at the regular session of the Twenty-seventh Legislature, and at the first called session of the Twenty-seventh Legislature, and at the regular session of the Twenty-eighth Legislature, 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of an ordinary hook and line and trotline, and to prohibit the sale or shipment of game fish in this State, and to provide

penalties for the violation thereof,' by fixing a penalty for the use of poison, dynamite or other explosives in killing, catching and taking fish."

House bill No. 461, a bill to be entitled "An Act to provide that all volumes constituting a portion of the record of any county organized prior to January 1, 1882, wherein are recorded deeds, mortgages or trust deeds or other muniments of title to real estate situated in such county, which volumes and records are now and since the 1st of January, 1882, have been constantly among the archives of such county as records thereof, shall be and are declared to be in all respects lawful and valid records of such counties respectively, for all purposes whatsoever relating to titles to real estate, and to provide that certified copies of instruments recorded in said volumes made in accordance with law shall have the force and effect that certified copies of original records have in organized counties, and that same may be used for all lawful purposes for certified copies of original records in ordinary cases in organized counties."

House bill No. 471, a bill to be entitled "An Act to restore and confer upon the county court of Titus county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 473, a bill to be entitled "An Act to amend the charter of the city of Sherman, entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature, as amended by amending Section 97 thereof, in regard to the levying and collecting of taxes, and to repeal all laws and parts of laws in conflict therewith, and to declare an emergency."

House bill No. 520, a bill to be entitled "An Act to provide a plan of working, making, repairing and improving public roads by contract in Camp and Upshur counties; to punish contractors for willful neglect in keeping roads in repair contracted for by them; to raise revenue for making and improving public roads therein; to provide for appointment of a supervisor of roads in each of said counties;

to prescribe duties of such supervisor; to declare when this act shall take effect in each of said counties; to declare an emergency," etc.

Senate bill No. 195, a bill to be entitled "An Act to amend Section 13, Chapter 35, Acts of the Regular Session of the Twenty-fifth Legislature, being House bill No. 83, creating a more efficient road system for Rains county, as printed in Session Acts, pages 32 to 37, by increasing the per diem of the county road commissioners and increasing the maximum pay to four dollars (\$4) per diem per annum, and declaring an emergency."

House bill No. 214, a bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the various counties comprising the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws in conflict herewith."

House bill No. 526, a bill to be entitled "An Act to amend Sections 1, 14, 15 and 16, and to add Section 17, containing the emergency clause, to Chapter 110 of the Acts of Twenty-fifth Legislature, entitled 'An Act to create a more efficient road system for Ellis county, Texas.'"

House bill No. 95, a bill to be entitled "An Act to authorize the city of Bryan to dispose of certain public grounds within said city."

House bill No. 411, a bill to be entitled "An Act to provide for the retirement of certain bonds of the State of Texas, maturing on the 1st day of July, 1906; for issuing other bonds at a lower rate of interest in lieu thereof; providing for the execution of such bonds and the manner of exchange of the new bonds."

House bill No. 393, a bill to be entitled "An Act to amend Section 4 of Chapter 86 of the General Laws passed by the Twenty-eighth Legislature at its regular session, entitled 'An Act to protect stock raisers and farmers, and providing for the destruction of wolves and other wild animals; to require the commissioners courts of the several counties of the State, not herein specially exempted, to pay for the killing of such wolves and other wild animals, and to repeal all laws in conflict herewith.'"

With engrossed rider.

House bill No. 243, a bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches and to keep the same lighted from sunset until sunrise, and requiring all railway corporations operating a line of railway in the State of Texas

to place derailing switches on all their sidings connecting with the main line and upon which sidings cars are left standing, and providing penalties and remedies for the violation of any of the provisions of this act, and declaring an emergency."

With engrossed rider.

House bill No. 503, a bill to be entitled "An Act to grant a new charter to the city of Houston, Harris county, Texas; repealing all laws in conflict herewith, and declaring an emergency."

With engrossed rider.

House concurrent resolution No. 14, relating to the death of Hon. John H. Reagan.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair had read and referred, after their caption had been read, the following House bills:

House bill No. 411, to Public Debts and Accounts.

House bill No. 243, to Internal Improvements.

House bill No. 461, to Public Lands and Land Office.

House bill No. 503, to Towns and City Corporations.

House bill No. 520, to Roads and Bridges and Ferries.

House bill No. 214, to Judicial Districts.

House bill No. 526, to Roads, Bridges and Ferries.

House bill No. 251, to Judiciary Committee No. 1.

House bill No. 95, to Towns and City Corporations.

House bill No. 473, to Towns and City Corporations.

House bill No. 393, to Stock and Stock Raising.

House bill No. 471, to Judicial Districts. See above House message for captions.

(See Appendix for Standing Committee reports.)

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Hawkins:

Senate bill No. 263, a bill to be entitled "An Act to prevent and prohibit monopolies and discriminations between different sections, communities, or localities, unfair competition and extortionate charges, and providing penalties therefor."

Read first time, and referred to Committee on State Affairs.

By Senator Hicks:

Senate bill No. 264, a bill to be entitled "An Act to provide for the location and building of a State Sanitarium for the care and treatment of indigent consumptives, and to make an appropriation therefor."

Read first time, and referred to Committee on Public Health.

By Senator Davidson:

Senate bill No. 265, a bill to be entitled "An Act to amend Article 103, of the Penal Code of the State of Texas."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Paulus:

Senate bill No. 266, a bill to be entitled "An Act to amend Sections 1, 2 and 3, and adding thereto Sections 4 and 5, of Chapter 50, of the General Laws of Texas, passed at the regular session of the Twenty-eighth Legislature, entitled 'An Act to prohibit buying and selling of pools, or receiving or making bets on horse racing, to prohibit leasing of premises for pool rooms, and to provide a penalty for its violation.'"

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hicks (by request).

Senate bill No. 267, a bill to be entitled "An Act to amend Section 9, of Chapter 103, of the Acts of the Twenty-fifth Legislature, regulating the fees of officers in delinquent tax suits."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Stone:

Senate bill No. 268, a bill to be entitled "An Act to amend Title XVIII, Chapter 3, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 400a, pertaining to the appointment of policemen in cities and towns and requiring them to take an oath of office and make a good and sufficient bond, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

SIMPLE RESOLUTIONS.

By Senator Stafford.

Whereas, in the death of the Hon. John H. Reagan, Texas has lost one of her purest, ablest and most patriotic citizens, and one whom every intelligent citizen of the State loved and delighted to honor,

Therefore be it Resolved, that when the Senate adjourns today it does so until Thursday morning at 10 o'clock out of respect to his memory and that the Legislature as a body attend his funeral at Palestine tomorrow, as a fit-

ting tribute of an appreciative people to the memory of an honest, faithful public servant.

On motion of Senator Stafford, the resolution was adopted by a rising vote.

By Senator Stokes:

Whereas, We have learned with profound sorrow, of the death of that pure, stainless and incorruptible statesman and patriot, the Hon. John H. Reagan, at his home in Palestine, Texas, on the morning of March 6, 1905, and

Whereas, In the death of this eminent citizen Texas and the nation has lost one of the grandest men whose character will shine as a beacon light to rising generations on the pages of American history, and

Whereas, His life has been most closely interwoven with the history and destiny of this Commonwealth for over fifty years; therefore

Be it resolved, That when the Senate adjourns today that it do so out of respect to the memory of the said distinguished statesman, and remain adjourned until Thursday, March 9, at 10 o'clock a. m., so that members of the Senate may attend his funeral.

STOKES,
STONE.

The resolution was adopted by a rising vote.

Morning call concluded.

HOUSE CONCURRENT RESOLUTION NO. 14—ADOPTION OF.

The Chair laid before the Senate, House concurrent resolution No. 14, relating to the death of Hon. John H. Reagan.

Whereas, the Senators and members of the House of Representatives have heard with deep regret of the death of the illustrious statesman, the Hon. John H. Reagan, who for more than half a century served Texas with unselfish patriotism;

Therefore be it resolved by the House of Representatives, the Senate concurring:

First. That a committee of five members of the House and three of the Senate be appointed to be present and assist at the funeral of the Hon. John H. Reagan, and whose duty it shall be to arrange for proper ceremonies hereafter in the hall of the House of Representatives, commemorative of the life and services of the illustrious dead.

Second. That the Texas flag over the capitol building be kept at half mast for thirty days.

Third. That the heartfelt sympathies of the Legislature of Texas be tendered to the wife of Judge Reagan,

and the surviving members of his family, for their irreparable loss.

The resolution was read and unanimously adopted by a rising vote.

In accordance with the above resolution, the Chair appointed on the committee on part of the Senate Senators McKamy, Stokes and Stafford.

PENDING BUSINESS — SENATE BILL NO. 69.

The Chair laid before the Senate, as pending business, Senate bill No. 69.

Question being on the amendment by Senator Looney as follows:

Amend the bill by adding to Section 1 as follows: "provided that the clerk shall not permit public service to be hindered or obstructed thereby."

(Senator McKamy in the chair.)

The question was on Senator Hale's motion to table the amendment. The yeas and nays were called for, and the motion was adopted by the following vote:

Yeas—12.

Beaty.	Holland.
Griggs.	McKamy.
Hale.	Meachum.
Harper.	Paulus.
Hawkins.	Terrell.
Hicks.	Willacy.

Nays—11.

Barrett.	Martin.
Brachfield.	Skinner.
Davidson.	Smith.
Faust.	Stokes.
Grinnan.	Stone.
Looney.	

Absent.

Chambers.	Hanger.
Decker.	Harbison.
Faulk.	Hill.
Glasscock.	Stafford.

Bill read second time and ordered engrossed.

On motion of Senator Hale, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Holland.
Beaty.	Looney.
Brachfield.	Martin.
Davidson.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.

Grinnan.	Skinner.
Hale.	Smith.
Harbison.	Stafford.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Nays—1.

Stokes.

Absent.

Chambers.	Glasscock.
Decker.	Hanger.
Faulk.	Hill.

The bill was read third time and passed by the following vote:

Yeas—23.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Martin.
Davidson.	McKamy.
Faust.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—2.

Looney.

Smith.

Absent.

Chambers.	Glasscock.
Decker.	Hanger.
Faulk.	Stokes.

Senator Hale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 131—PASSAGE OF.

On motion of Senator Davidson the pending order of business (House bill No. 67), was suspended, and the Senate took up, out of its order, Senate bill No. 131.

The Chair laid before the Senate on third reading,

Senate bill No. 131, a bill to be entitled "An Act authorizing railroad companies to construct connecting tracks, spurs and sidings under certain conditions; defining when it is an abuse not to connect, and requiring them to connect when ordered to do so by the Railroad Commission, and providing the right of condemnation for said purpose; and defining the powers of the Railroad Commission in regard to said matters."

The bill was read third time and passed by the following vote:

Yeas—24.

Barrett.	Holland.
Beaty.	Looney.
Brachfield.	Martin.
Davidson.	McKamy.
Faust.	Meachum.
Grinnan.	Paulus.
Hale.	Skinner.
Harbison.	Smith.
Harper.	Stafford.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Chambers.	Griggs.
Decker.	Hanger.
Faulk.	Stokes.
Glasscock.	

Senator Davidson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 218.

On motion of Senator Barrett the pending order of business (House bill No. 67), was suspended, and the Senate took up, out of its order, Senate bill No. 218.

The chair laid before the Senate on second reading,

Senate bill No. 218, a bill to be entitled "An Act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds; providing for the investment of the permanent fund, and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the offices of State and County Superintendents; providing for their election and salaries, and prescribing their qualifications and duties; prescribing the duties of other officers in reference to public schools and public school funds; making County Judges ex-officio County Superintendents in all counties not having County Superintendents, and providing for their compensation; providing for reports of school officers and teachers; providing for the creation of school districts in all of the counties of this State; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of county line districts; providing for levying and collecting special taxes for the further main-

ance of the public free schools and the erection of school houses; providing for the issuance of common school district bonds for building purposes, and providing a sinking fund therefor; providing for the creation of independent school districts at eleemosynary institutions and appointments of trustees therefor; providing for independent school districts in cities and towns and in towns and villages and in independent districts incorporated for school purposes only; providing for the issuance of bonds for school purposes by independent districts and creating a sinking fund therefor; providing for the levy of special taxes by independent districts; providing for the election of school trustees in independent districts and prescribing their qualifications and duties and naming and enumerating the officers of independent district school boards and the duties and powers thereof; providing for school houses and school supplies; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; providing penalties for refusing to answer questions regarding to the age of children and other penalties regarding violations of the provisions of this act; regulating the transfer of the school fund; providing separate schools for white and for colored children and prescribing the studies to be taught therein; fixing the scholastic year and length of the school month; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder; providing for the extension of teachers' certificates; providing for the cancellation of teachers' certificates; providing for the teaching of manual training; regulating conveyances and bequests for the benefit of the public schools; prescribing who are entitled to the benefits of the public free school; repealing certain laws and declaring an emergency.

Senator Stone offered the following amendment:

Amend line 43, Section 36, page 11, by adding after the word "shall," in line 43, "upon the petition of 25 per cent of the qualified voters of the county outside of the independent school district."

The amendment was adopted.

Senator Stone offered the following amendment:

Amend lines 3 and 4, page 12, Section 36, strike out the words "immediately after the passage of this act," in lines 3 and 4.

Senator Stone offered the following amendment:

To amend Section 165 by striking

out the words in lines 5, 6 and 8, on page 48, as follows, "or the board may appoint as treasurer the person who offers satisfactory bonds as herein provided, and the best bid of interest on average daily balance for the privilege of acting as such treasurer," and substituting therefor the following words, "provided that in cities having more than ten thousand population the board shall appoint as treasurer the person or corporation who offers satisfactory bonds as herein provided, and the best bid of interest on the average daily balance for the privilege of acting as such treasurer, and provided further, that no commission shall be allowed in such case for such services as treasurer; provided further, that in independent districts having less than ten thousand population the board of trustees may appoint such treasurer as provided for towns of more than ten thousand population and under the same provisions."

The amendment was adopted.

Senator Stone offered the following amendment:

Amend line 5, page 12, Section 36, insert after the word "shall," in line 5, the words "when petitioned as aforesaid."

The amendment was adopted.

Senator Davidson offered the following amendment:

Amend Section 57, on page 17, of the bill by adding the following: "Provided that all property assessed for school purposes shall be assessed at the rate of value of property as said property is assessed for State and county purposes."

The amendment was adopted.

Senator Hawkins offered the following amendment:

Amend by adding Section 50, page 15, the following: "Provided, that all school districts in this State heretofore laid out and attempted to be established by the proper officers of any county, and heretofore recognized by said county authorities as school districts of said counties, are hereby validated in all respects as though they had been duly and legally established in the first instance."

Pending.

On motion of Senator Willacy, further consideration of the bill was postponed till Friday morning at 11 o'clock and was made a special order for that hour; also that those who had amendments to offer that the same be published in the Journal.

The following amendments to the bill will be offered:

By Senator Davidson:

Amend Section 148, page 42, by adding the following: "Provided, that all property assessed for school purposes

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shall be assessed at the rate of value of property as said property is assessed for State and county purposes."

By Senator Stone:

Amend by striking out Section 169 of the bill and substitute the following in lieu thereof:

Sec. 169. All the qualified voters of each independent district shall be entitled to vote at the trustees' election, and the seven candidates receiving the largest number of votes at the first election held hereunder shall be entitled to serve as trustees as hereinbefore provided, and at all subsequent trustees' elections the three or the four candidates, as the case may be, receiving the largest number of votes shall be entitled to serve as trustees for the full term for which they are elected.

By Senator Stone:

Amend by striking out the word "eight," in line 44, page 21, Section 77, and substitute "five" in lieu thereof.

By Senator Brachfield:

Amend by adding after the word "election," in line 44, page 11, the following: "To determine whether or not there shall be elected a county superintendent of public instruction, and if said election should be in the affirmative then said commissioners court shall provide for the election."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature.

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 251, a bill to be entitled "An Act to amend Section 64 of an act of the Twenty-seventh Legislature of the State of Texas, entitled 'An Act to incorporate the city of Austin; to grant it a new charter, and to fix its boundaries,' approved April 13, 1901, and being Chapter 8 of the Special Laws of the Regular Session of the Twenty-seventh Legislature of the State of Texas."

Respectfully,

BOE BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 223.

On motion of Senator Skinner, the pending order of business (House bill No. 67) was suspended, and the Senate

took up, out of its order, Senate bill No. 223.

The Chair laid before the Senate, on second reading,

Senate bill No. 223, a bill to be entitled "An Act establishing the Eighteenth and the Sixty-sixth Judicial Districts of the State of Texas, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for the Sixty-sixth Judicial District, and declaring an emergency."

(Lieutenant Governor Neal in chair.)

Senator Martin moved to recommit the bill, and Senator Skinner moved to table that motion.

The motion to table was adopted by the following vote:

Yeas—14.

Barrett.	Holland.
Beaty.	Looney.
Davidson.	McKamy.
Faust.	Meachum.
Grinnan.	Skinner.
Hale.	Stafford.
Hicks.	Stone.

Nays—7.

Brachfield.	Smith.
Hawkins.	Stokes.
Martin.	Terrell.
Paulus.	

Absent.

Chambers.	Hanger.
Decker.	Harbison.
Faulk.	Harper.
Glasscock.	Hill.
Griggs.	Willacy.

Senator Martin offered the following amendment:

Amend by striking out all after the word "entitled," on page 1, line 6, and insert in lieu thereof the following:

An act to amend Sections 3, 6 and 7, Chapter 17, of the Acts of the regular session of the Twenty-eighth Legislature, approved February 16th, 1903, creating the Fifty-second Judicial District of Texas: To amend Section 18, Article 21, Title IV, Revised Statutes of 1895 of Texas by reorganizing the Eighteenth Judicial District of Texas; to amend Sections 1, 2, 3, 4 and 5, Chapter 74, of the Acts of the regular session of the Twenty-eighth Legislature, fixing the time of holding court in said Eighteenth Judicial District; to provide for the present District Judge and District Attorney of the Fifty-second Judicial District to hold their respective offices in said Fifty-second District during the time for

which they were elected; to provide for the present Judge of the Eighteenth Judicial District to hold his office and act as Judge of the said Eighteenth Judicial District for the time for which he was elected; to change and fix the times of holding court in said Fifty-second and Eighteenth Districts; to repeal all laws and parts of laws in conflict herewith, and to create an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That from and after the passage of this Act the Fifty-second Judicial District of Texas shall be composed of the counties of Coryell, Hamilton, Bosque and Comanche, and the terms of District Court shall be held annually as follows:

In Coryell county on the second Monday in January and second Monday in July and may continue in session six weeks.

In Hamilton county on the sixth Monday after the second Monday in January and second Monday in July, and may continue in session five weeks.

In Bosque county on the eleventh Monday after the second Monday in January and second Monday in July and may continue in session five weeks.

In Comanche county on the sixteenth Monday after the second Monday in January and second Monday in July, and may continue in session until the business is disposed of.

Section 2. That the Eighteenth Judicial District of Texas shall be composed of the counties of Hill and Johnson, and the terms of District Court shall be held therein as follows:

In the county of Hill on the first Monday in February and third Monday in August, and may continue in session fourteen weeks.

In the county of Johnson on the fourteenth Monday after the first Monday in February and third Monday in August, and may continue in session until the business is disposed of.

Section 3. All writs and process issued out of the District Courts of the several counties now composing the said Eighteenth and Fifty-second Judicial Districts prior to the taking effect of this Act, and hereby made returnable to the terms of said courts as fixed by this Act, and all bond executed and all recognizances entered into or of record in said courts shall bind the parties for their appearance or to fulfill of the conditions and obligations of such bonds and recognizances at the terms of said courts as they are fixed by this Act, and all process and writ heretofore returned to, as well as all bonds and recogni-

zances heretofore taken in any of said courts, shall be as valid as if no amendment or change had been made to existing law.

Section 4. The present Judge of the said Fifty-second Judicial District shall act as Judge of the said Fifty-second Judicial District as composed as aforesaid, and such Judge shall hold office for the term for which he has been heretofore elected.

Section 5. The present District Attorney of the said Fifty-second Judicial District shall act as such District Attorney for the said Fifty-second Judicial District, as composed of aforesaid, and such District Attorney shall hold office for the term for which he has been heretofore elected.

Section 6. The present Judge of the Eighteenth Judicial District shall act as Judge of the said Eighteenth Judicial District, as composed as aforesaid, and such Judge shall hold office for the term for which he has been heretofore elected.

Sec. 7. All laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Sec. 8. The crowded condition of the dockets of the counties now constituting the said Eighteenth Judicial District resulting in great and disastrous delays to parties in both civil and criminal cases, and the fact that the present business on the dockets in the counties now composing the said Fifty-second Judicial District is not sufficient to consume the time now allowed by law for holding courts in said counties create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Skinner, the amendment was tabled by the following vote:

Yeas—15.

Barrett.	Holland.
Beaty.	Looney.
Davidson.	McKamy.
Faust.	Meachum.
Hale.	Skinner.
Harper.	Stafford.
Hicks.	Stone.
Hill.	

Nays—8.

Brachfield.	Paulus.
Grinnan.	Smith.
Hawkins.	Stokes.
Martin.	Terrell.

Absent.

Chambers.	Griggs.
Decker.	Hanger.
Faulk.	Harbison.
Glasscock.	Willacy.

The bill was read second time and ordered engrossed.

Senator Skinner moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 437—PASSAGE OF.

On motion of Senator Paulus, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, House bill No. 437.

The Chair laid before the Senate, on second reading,

House bill No. 437, a bill to be entitled "An Act to create a more efficient road system for Colorado county.

Bill read second time and passed to a third reading.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Barrett.	Holland.
Beaty.	Looney.
Brachfield.	McKamy.
Davidson.	Meachum.
Faust.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Terrell.

Absent.

Chambers.	Hanger.
Decker.	Harbison.
Faulk.	Martin.
Glasscock.	Willacy.
Griggs.	

The bill was read second time and passed by the following vote:

Yeas—21.

Barrett.	Looney.
Beaty.	Martin.
Brachfield.	McKamy.

Davidson.	Meachum.
Faust.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Harper.	Stokes.
Hawkins.	Stone.
Hill.	Terrell.
Holland.	

Absent.

Chambers.	Hanger.
Decker.	Harbison.
Faulk.	Hicks.
Glasscock.	Stafford.
Griggs.	Willacy.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 4 —ENGROSSMENT OF.

On motion of Senator Stone, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate joint resolution No. 4.

The Chair laid before the Senate, on second reading,

Joint resolution No. 4, to amend Section 2 of Article VIII of the Constitution of the State of Texas, relating to certain exemptions from taxation."

With the following committee amendments:

Amend by adding Sections 4 and 5, as follows:

Sec. 5. The qualified electors for members of the Legislature of the State of Texas shall vote upon this amendment on the — day of —, at which election all persons favoring said amendment shall have written or printed on the ballot as follows:

"For amendment to Section 2, Article VIII, of the Constitution, exempting from taxation endowment funds used exclusively for school purposes."

And those opposed to said amendment shall have written or printed on the ballot, as follows:

"Against amendment to Section 2, Article VIII, of the Constitution, exempting from taxation endowment funds used exclusively for school purposes."

Sec. 5. The sum of \$5000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury of the State of Texas not otherwise appropriated, to pay the expenses of such publication, proclamation and election.

On motion of Senator Stone, the committee amendments were adopted. Senator Stone offered the following amendment:

Amend by adding after the word "profit," in line 20, page 1, the following: "And."

The amendment was adopted.

Senator Stone offered the following amendment:

Amend by striking out the words "provided however," in line 23, page 1.

The amendment was adopted.

The resolution was ordered engrossed by the following vote:

Yeas—23.

Barrett.	Martin.
Brachfield.	McKamy.
Davidson.	Meachum.
Faust.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Terrell.
Holland.	Willacy.
Looney.	

Absent.

Beaty.	Glasscock.
Chambers.	Griggs.
Decker.	Hanger.
Faulk.	Harbison.

Senator Stone moved to reconsider the vote by which the resolution was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.
(Senator Stoford in Chair.)

SENATE BILL NO 52—ON THIRD READING.

On motion of Senator Looney the pending order of business (House bill No. 67), was suspended, and the Senate took up, out of its order, Senate bill No. 52.

The Chair laid before the Senate on third reading,

Senate bill No. 52, a bill to be entitled "An Act relating to the subject of 'barratry,' amending Article 290 of the Penal Code of the State of Texas, amended by the Twenty-seventh Legislature, under an Act entitled 'An Act to amend Article 290 of the Penal Code of the State of Texas, to further define "barratry" so as to include the fomenting of litigation by attorneys-at-law by soliciting employment or advancing money or other things of value to the parties to litigation in order to procure employment,' and amending Chap-

ter 7, Title XXX, of the Revised Civil Statutes of Texas, by adding thereto Article 1261a, providing that when any suit at law or equity is instituted in any court of this State wherein it is made to appear that any provision in Article 290 of the Penal Code of Texas, as amended, defining and punishing barratry has been violated, such suit shall abate, with or without plea; and the attorney or attorneys or other person guilty of violating said law shall be disabled from having any interest in the cause of action or further participating in any new suit that may be instituted; providing, that the owner, innocent of such violation, shall not be prejudiced by the running of limitation pending the suit, and amending Title II, Article 263, Revised Civil Statutes of Texas, so that attorneys-at-law guilty of barratry may be suspended or his license revoked."

Senator Smith moved to reconsider the vote by which the bill was ordered engrossed on Friday.

The motion prevailed.

Senator Smith offered the following amendment.

Amend the bill by adding after Article 290a, the following as Article 290b.

Article 290b. If any person shall hereafter for or on the behalf of any railway or transportation company or corporation, solicit, endeavor to make, or make any settlement of any claim for damages against any of such companies or corporations, with any person having or claiming to have any claim for damages against any of such companies or corporations for personal injuries, without having been prior thereto requested in writing to do so by the party having or claiming to have such claim; and before such party has had a reasonable opportunity to consult with, and be advised by an attorney-at-law of his own selection as to his right to recover of such company or corporation, any damages for such alleged injuries, and the probable extent of such recovery, he shall be deemed guilty of a misdemeanor, and upon conviction therefor, he shall be punished by fine of not less than fifty dollars, nor more than two hundred dollars, and by confinement in the county jail for not less than ten, nor more than thirty days.

Senator Hawkins offered the following substitute for the amendment:

Any and all agreements of settlement of any claim for damages or alleged damages for personal injury made and executed within less than ten days after the happening or the supposed happening of the alleged injury, are hereby declared to be prima facie illegal and in any personal injury suit

the burden of proof shall be on the party setting up such an agreement, to show that the alleged agreement was in all respects fair, and that the consideration therefor was adequate compensation for the alleged injury.

Senator Grinnan made a point of order that the substitute for the amendment was not germane, and the Chair sustained the point of order, and

Senator Hicks made the point of order that the amendment was not germane and the Chair overruled the point.

Senator Davidson offered an amendment to the amendment (but the same was later withdrawn and is not here given).

Senator Skinner renewed the point of order that neither the amendment nor the amendment to the amendment was germane, citing several reasons and discussed the merits of the bill.

Pending Senator Smith's discussion on the point, he yielded the floor to Senator Willacy, who moved that the Senate take a recess till 3 o'clock p. m.

The motion was adopted.

AFTER RECESS.

The Senate was called to order with Lieutenant Governor Neal in the chair and the question being on the point of order by Senator Skinner.

Senator Stafford, who was in the chair before noon, at the time the question was raised and before whom the issue was discussed, was called to the chair.

The Chair (Senator Stafford) held that the point of order was not well taken.

Question then being on the amendment to the amendment, Senator Davidson, author of the amendment to the amendment, withdrew same.

Senator Hicks offered the following amendment to the amendment:

Amend the amendment by striking out all after the word "claim" on the second line from the bottom of page one down to and including the word "recovery" in line 6, page 2, and by adding at the end of the section the following: "Provided that the provisions of this article shall not apply to any statement made with the injured party at any time after thirty days after the date of the alleged injury."

The amendment to the amendment was adopted.

Senator Davidson offered the following amendment to the amendment as amended:

Amend the amendment after the word "claim" or shall take a statement

in writing from the injured party while said party is in any hospital of or under the charge of any physician employed by any railroad company.

(Lieutenant Governor Neal in the chair.)

Pending further discussion of the amendment to the amendment, Senator McKamy was called to the chair.

Question being on the amendment to the amendment, the same was adopted by the following vote:

Yeas—16.

Barrett.	Looney.
Brachfield.	Martin.
Davidson.	McKamy.
Grinnan.	Meachum.
Hale.	Paulus.
Harbison.	Smith.
Harper.	Stokes.
Holland.	Terrell.

Nays—7.

Faust.	Skinner.
Hawkins.	Stafford.
Hicks.	Stone.
Hill.	

Absent.

Beaty.	Glasscock.
Chambers.	Griggs.
Decker.	Hanger.
Faulk.	Willacy.

The amendment, as amended, was then adopted.

Senator Skinner offered the following amendment:

Amend the bill by inserting after the word "corporation," in line 3, of the amendment as amended, the following: "Or for or on behalf of any other corporation."

The amendment was adopted.

Senator Terrell offered the following amendment:

Amend the bill by striking out all of the adopted amendment beginning with the word "or," and ending with the word "occurred," and insert in lieu thereof the following: "Or shall take a statement in writing from the injured party, purporting to be a statement of how the accident occurred, within thirty days after the injury occurred."

The amendment was lost.

The bill was read second time and ordered engrossed by the following vote.

Yeas—19.

Barrett.	Looney.
Brachfield.	Martin.
Davidson.	McKamy.
Grinnan.	Paulus.
Hale.	Skinner.
Harper.	Smith.

Hawkins.	Stafford.
Hicks.	Stokes.
Hill.	Stone.
Holland.	

Nays—3.

Faust.	Terrell.
Meachum.	

Absent.

Beaty.	Griggs.
Chambers.	Hanger.
Decker.	Harbison.
Faulk.	Willacy.
Glasscock.	

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days, was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Barrett.	Holland.
Brachfield.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Grinnan.	Paulus.
Hale.	Skinner.
Harper.	Smith.
Hawkins.	Stafford.
Hicks.	Stokes.
Hill.	Stone.

Nays—1.

Meachum.

Absent.

Beaty.	Griggs.
Chambers.	Hanger.
Decker.	Harbison.
Faulk.	Terrell.
Glasscock.	Willacy.

The bill was read third time and passed.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Neal in the chair.)

THIRD HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature.

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the house has appointed the following on part of the House under House Concurrent Resolution No. 14, relating to attending the

funeral of Hon. John H. Reagan, and to arrange for memorial exercises:
A. T. McKinney, A. W. Terrell, J. J. Blount, C. F. Greenwood, Edward F. Harris.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

COMMITTEE SUBSTITUTE SEN-
ATE BILL NO. 101—PAS-
SAGE OF.

On motion of Senator Stone, the pending order of business (House bill No. 67), was suspended, and the Senate took up, out of its order, Senate bill No. 101.

The Chair laid before the Senate on second reading.

Senate bill No. 101, a bill to be entitled "An Act to amend Section 6, of an act entitled 'An Act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to create the Fifty-fourth Judicial District, fix the times for holding court therein, and provide for the appointment of a district judge for said district, and to repeal all laws in conflict with this Act."

Passed March 31, 1893.

On motion of Senator Stone the committee report, which was a substitute bill, was adopted.

Senator Stone offered the following amendment:

Amend the bill by adding the following: "The fact that existing laws provide no sufficient and adequate means for transferring cases from one of these courts to the other, create an emergency and an imperative public necessity, that the rule requiring that bills be read on three separate days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Bill read second time and ordered engrossed. On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Looney.
Beaty.	McKamy.
Brachfield.	Meachum.

Davidson.	Paulus.
Faust.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

Nays—1.

Martin.

Absent.

Chambers.	Griggs.
Decker.	Hanger.
Faulk.	Harbison.
Glasscock.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Looney.
Beaty.	Martin.
Brachfield.	McKamy.
Davidson.	Meachum.
Faust.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Terrell.
Holland.	Willacy.

Absent.

Chambers.	Griggs.
Decker.	Hanger.
Faulk.	Harbison.
Glasscock.	

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair gave notice of signing, and did sign in the presence of the Senate after its caption had been read.

Senate bill No. 102, a bill to be entitled "An Act to amend an Act entitled 'An Act to provide a charter for the city of Marshall, Harrison county, Texas, defining its boundaries, providing officers and prescribing their duties and powers; creating a corporation court and defining its powers and jurisdiction, and declaring an emergency,' approved March 23, 1903, by amending Section 1 of Article 4a of said Act, and adding thereto Sections 2 and 3, and by amending Sections 1, 4

and 5 of Article 6 of said Act, and by adding thereto Sections 7, 8, 9, 10, 11 and 12, said sections relate to sidewalks and streets, to taxation and the issuance of bonds, and declaring an emergency."

Senate concurrent resolution No. 6. Be it resolved by the Senate, the House of Representatives concurring, That we note with approval the announcement from Washington that President Roosevelt has directed a full investigation to be made into the affairs and methods of the Standard Oil Company by the Commissioner of Corporations.

2. That we heartily indorse this action of the President, and respectfully request him to direct the Commissioner of Corporations to extend his investigations to Texas, with a view of ascertaining all facts in connection with the operation of companies allied with the Standard Oil company, or other oil companies, if any, now operating in Texas.

3. That an engrossed copy of this resolution be forwarded to the President.

SENATE BILL NO. 142.

On motion of Senator Beaty, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 142.

MOTION WITHDRAWN.

Senator Hicks moved to table the motion made by Senator Davidson on February 22 to reconsider the vote by which Senate bill No. 86 was passed, and the motion spread on the Journal, and

Senator Davidson withdrew his motion. (See Journal of February 22).

ADJOURNMENT.

On motion of Senator McKamy, the Senate adjourned till Thursday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

JUDICIARY NO. 1.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 192, a bill to be entitled "An Act declaring void sales of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's business, and sales of entire stocks of merchandise in bulk, unless made in compliance with certain named conditions, and prescribing such conditions and regulations according to which sales may be made valid."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Floor Report.

Committee Room,

Austin, Texas, March 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 255, a bill to be entitled "An Act to authorize the county commissioners court to close up the streets and alleys of territory or lands which are contiguous and uninhabited, whether included within the corporate limits of said cities, towns or villages, and declaring an emergency."

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

DECKER,
BRACHFIELD,
SKINNER,
GRINNAN.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 258, a bill to be entitled "An Act to provide for the appointment and qualification of a county auditor in any county having therein a city with a population of 40,000 and over; providing for the manner of appointment; the duties of said officer; the compensation allowed; and making this Act cumulative of other provisions in the present laws; and repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill pass in lieu thereof.

HICKS, Chairman.

C. S. B. No. 258.

By Committee.

A bill to be entitled "An Act to provide for the appointment and qualification of a county auditor in any county having therein a city with a population of 40,000 and over; providing for the manner of appointment; the duties of said officer; the compensation allowed; making this act cumulative of other provisions in the present laws; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Section 1. Be it enacted by the Legislature of the State of Texas. That in any county of this State having therein a city with a population of 40,000 and over, according to the last United States census, there shall be appointed an Auditor of Accounts and Finances, the title of said officer to be "County Auditor," who shall hold his office for a term of two years and until his successor is appointed and qualified, and who shall receive an annual salary not exceeding \$2500, to be paid out of the general fund of the county upon the order of the Commissioners Court.

Sec. 2. Immediately upon the passage of this act, the County Judge shall convene a special meeting of the judges of the County and District Court or Courts having jurisdiction in the county, who shall jointly appoint the auditor, a majority vote ruling. The action shall then be reported by the County Judge to the Commissioners Court in regular or special session, which shall have said appointments entered upon the minutes of said court.

Sec. 3. The auditor to be appointed must be a man of unquestionable good moral character and intelligence, thoroughly competent in business details, with no less than three years' actual experience in practicable bookkeeping known as the "Double Entry System," and who has actually had experience in auditing accounts and books. The judges empowered with this appointment must carefully investigate and consider the qualifications of said person before appointment.

Sec. 4. The auditor shall, within twenty days of his appointment and before he enters upon the duties of his office, make a bond with two or more good and sufficient sureties, one of which may be a surety company, in the sum of \$5000, payable to the County Judge or his successors in office, conditioned for the faithful performance of his duties, to be approved by the Commissioners Court. In addition to said bond, he shall make the usual oath of office and an additional oath in writing stating that he is in every way qualified under the provisions and requirements of this act, and giving fully the positions of private or public trust

he has heretofore held, and the length of service under each of said employments. He shall further include in his oath that he will not personally be interested in any contract with the county, directly or indirectly.

Sec. 5. The auditor shall, at the expense of the county, provide himself with all necessary ledgers, books, records, blanks and stationery, and shall also have the power to appoint temporary clerical help when absolutely needed, with the consent of the County Judge or of the Commissioners Court, but such help shall not be appointed unless the same is applied for under oath by the auditor, who shall set forth in said application the necessity therefor.

Sec. 6. It shall be the duty of the auditor to have a general oversight of all books and records of all officers of the county, district or State, who are now or who may be hereafter authorized or required by law to receive or collect any money, funds, fees or other property for the use of or belonging to the county. He shall have continual access to, and shall examine all the books, accounts, reports, vouchers and other records of any of the officers, and also the orders of the Commissioners Court relating to the franchises of the county. He shall examine all the reports to the tax collector, the treasurer and all other officers, in detail, verifying the footings and the correctness of same, and shall stamp his approval thereon, or note any differences, errors or discrepancies. All reports required under Article 840, Revised Statutes, shall also be carefully examined and reported on by him.

Sec. 7. It shall be the duty of the auditor, without giving any notice before hand, to examine fully into the condition of, or to inspect and count the cash in the hands of the county treasurer or in the bank in which he may have placed same for safe keeping, not less than once each quarter, and oftener as desired. He shall see that the law is strictly enforced and that all balances to the credit of the various funds are actually on hand in cash. He shall fully investigate and see that none of said funds are invested in any manner except as the law may otherwise authorize.

Sec. 8. He shall prescribe and prepare the forms to be used by all persons in the collection of county revenues, funds, fees and all other moneys, and the mode and manner of keeping and stating their accounts, also the mode and manner of making their annual report of office fees collected and disbursed, and the amount refunded to the county in excess of those allowed under the general fee bill act. He shall have the power to adopt and

enforce such regulations, not inconsistent with the Constitution and laws as he may deem essential to the speedy and proper collection and accounting of the revenues and other funds and fees belonging to the county.

Sec. 9.—It shall be his duty to keep an account with each and every person named in the preceding sections, and in doing so, shall relieve the county clerk of keeping the finance ledger required in Article 824 Revised Statutes. He shall require all persons who shall have received any moneys belonging to the county, or having the disposition or management of any property of the county, to render statements to him. His books shall show the detailed items of the indebtedness against all of said officers and the manner of discharging the same. He shall make tabulated reports of said funds and accounts for each regular meeting of the commissioners court.

Sec. 10. He shall prepare an estimate of all the revenues and expenses and annually furnish same to the commissioners court, which court shall carefully make a budget of all appropriations to be set aside for the various expenses of the county government in each branch and department. He shall open an account with each appropriation in said budget, and all warrants drawn against same shall be entered to said account. He shall carefully keep an oversight of same to see that the expenses of any department do not exceed said budget appropriation, and shall keep the commissioners court advised of the condition of said appropriation accounts from time to time.

Sec. 11. He shall make annual reports to the commissioners court, setting forth all the facts of interest, and showing the aggregate amounts received and disbursed out of each fund, the condition of each and every account on the books, the amount of bonded and other indebtedness of the county, together with such other information and suggestions as he may deem proper, or the commissioners court may require. This annual report shall be made to include all transactions during the year ending July 31 of each year, and shall be completed and filed at a special term of the commissioners court in September, and shall be published by him in pamphlet form for distribution.

Sec. 12. He shall keep a register of all warrants issued by the judges or clerks on the county treasurer, and their dates of payment by the treasurer. In order that he may do so, the clerks of the county and district courts, or the judges thereof who are authorized to issue any warrant on the county treasurer, shall, on forms prepared

by the auditor, daily furnish to the auditor an itemized report specifying the warrants that have been issued, their numbers, their several amounts, the names of the persons to whom payable and for what purpose.

Sec. 13. He shall carefully examine the quarterly report of the treasurer of all disbursements, together with the cancelled warrants which have been paid, and shall verify the same with the register of warrants issued as shown on the books of the auditor.

Sec. 14. All deposits that are made in the county treasury shall be upon a deposit warrant issued by the county clerk in triplicate; said warrants shall authorize the treasurer to receive the amount named, for what purpose, and to which fund the same shall be applied. The treasurer shall retain the original, the duplicate shall be signed and returned to the county clerk for the county auditor, and the triplicate signed and returned to the depositor. The auditor shall then enter same upon his books, charging the amounts to the county treasurer and crediting the party depositing the same. The treasurer shall not under any circumstances receive any money in any other manner than that named herein.

Sec. 15. All claims, bills, accounts against the county must be filed in ample time for the auditor to examine and approve same before the meeting of the county commissioners court. It shall be the duty of the auditor to examine same and stamp his approval thereon. All such claims, bills and accounts must be verified by affidavit touching the correctness of same, before some person authorized to administer oaths, and the auditor is hereby authorized to administer oaths.

Sec. 16. Bids shall be hereafter asked for all supplies and stationery, books, blanks, records and other like supplies for the various officers for which the county is required to pay and the purchase made from the lowest bidder after filing said bid with the auditor for record.

Sec. 17. He shall not audit or approve any claim against the county unless the same has been contracted as provided by law, nor any account for the purchase of supplies or material for the use of said county or any of its officers, unless in addition to other requirements of law there is attached thereto a requisition signed by the officer ordering same and approved by the county judge, which said requisition must be made out and signed and approved in triplicate by the said officers, the triplicate to remain with the officer desiring the purchase, the duplicate to be filed with the county auditor, and the original

to be delivered to the party from whom said purchase is to be made, before any purchase shall be made. Supplies of every kind, road and bridge material, or any other material for the use of said county or any of its officers, departments or institutions, must be purchased on competitive bids, the contract to be awarded to the party who, in the judgment of the commissioners court, has submitted the lowest and best bid. It shall be the duty of the county auditor to advertise for a period of two weeks in at least one daily newspaper published and circulated in the county for which such supplies and material according to the specifications, giving in detail what is needed. Such advertisements shall state where specifications are to be found, and shall give the time and place for receiving such bids. All such competitive bids shall be kept on file by the county auditor as a part of the records of his office and shall be subject to inspection by any one desiring to see them. Copies of all bids received shall be furnished by the county auditor to the county judge and to the commissioners court, and when the bids received are not satisfactory to said judge or county commissioners, it shall be the duty of the county auditor to reject such bids and readvertise for new bids. Provided, that in cases of emergency, purchases not in excess of \$50 may be made by the county judge, to be approved by the commissioners court.

Sec. 18. The officer shall examine all the bonds of officers in connection with the current tax rolls, and see that the sureties thereon are sufficient, and if not he shall report to the county judge, who shall require a new bond to be given.

Sec. 19. The auditor may at any time appoint an assistant to act in his stead and who may discharge the duties of the auditor during his absence or unavoidable detention, said appointment to be made with the consent of the county judge, who shall require said assistant to take the same oath of office required of the auditor, and who shall receive a salary not exceeding \$100 a month, to be paid out of the county treasury upon the order of the county judge and approved by the commissioners court.

Sec. 20. The judges appointing such auditor shall have the power, and it is hereby made their duty, to remove from office said county auditor at any time for neglect, incompetency, drunkenness, misconduct in office or for any other conduct or offense which in the opinion of said judge shall render him

unfit to hold his office; provided, however, he shall not be removed until he shall have been served with a copy in writing of the charges preferred against him, and shall have the opportunity of being heard - himself, by counsel, or both.

Sec. 21. The provisions of this act are cumulative, and where conflicting with any existing law this act is to be in force. Where the provisions of this act provide for like duties of the ones now required of the county clerk this act is to prevail, and to such extent only is the county clerk relieved of his duties. All other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 22. The fact that there is now no law providing for a county auditor, and the very great need and urgency for an effective law on this subject, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 461, a bill to be entitled "An Act to provide that all volumes constituting a portion of the records of any county organized prior to January 1, 1882, wherein are recorded deeds, mortgages or trust deeds or other muniments of title to real estate situated in such county, which volumes and records are now and since the 1st of January, 1882, have been constantly among the archives of such county as records thereof, shall be and are declared to be in all respects lawful and valid records of such counties, respectively, for all purposes whatsoever relating to titles to real estate, and to provide that certified copies of instruments recorded in said volumes made in accordance with law shall have the force and effect that certified copies of original records have in organized counties, and that same may be used for all lawful purposes for certified copies of original records in ordinary cases in organized counties."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass, and that the bill be not printed.

HILL, Chairman.

STATE AFFAIRS.

Committee Room.

Austin, Texas, March 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your committee on Educational Affairs, to whom was referred

Senate Joint Resolution No. 5, authorizing the submission to a vote of the people of a proposed amendment to Article 3, Section 3, of the Constitution of the State of Texas, relating to the better support and maintenance of the public schools,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be referred to the committee on Constitutional Amendments.

GRINNAN, Chairman.

PENITENTIARIES.

Committee Room.

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Penitentiaries, to whom was referred

Senate bill No. 226, a bill to be entitled "An Act to amend Article 3696 of Chapter 6, Title LXXIX, by fixing the minimum salaries of penitentiary guards of the State penitentiaries of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

ENGROSSING DEPARTMENT.

Committee Room.

Austin, Texas, March 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 92, being "An Act to amend Sections 2 and 3 of Chapter 12 of the Acts of the Twenty-seventh Legislature of the State of Texas, and providing for establishing a Board of Physio-Medical Examiners of the State of Texas,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room.

Austin, Texas, March 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Substitute bills Nos. 26 and 104, being "An Act regulating Injunctions in local option elections and cases,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room.

Austin, Texas, March 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 144, being "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3775 and 3776, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add thereto Article 3776a, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room.

Austin, Texas, March 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 197, being "An Act to amend Articles 5065 of Title 104, Chapter 2, of the Revised Civil Statutes of the State of Texas, so as to define and exempt the property of charitable institutions from taxation."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room.

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 215, being "An Act to authorize the formation of domestic corporations for the purpose of transporting oil, gas or other mineral substances by means of pipe lines, and declaring all corporations engaged in transporting oil from place to place for hire, as common carriers, and providing for the condemnation of private property to the uses of such corporations and regulating the rate of trans-

portation on such oil, gas and other mineral substances by said corporations, providing for the storage of the same and fixing the rates and tolls and charges to be made for the storing of the same and authorizing the condemnation of private property for all purposes incidental to the transporting and storing of said oil, granting them the right to establish, maintain and operate telephone and telegraph lines in connection with said business, to own, lease, purchase or charter steamboats, steamships or other vessels or water craft, declaring such corporations and all persons, corporations and associations of persons who transport and store oil for the public for hire common carriers under the provisions hereof for the purpose of conducting said business, and providing against discrimination by said corporations, and providing for penalties for violation of any of the regulations of this Act, and clothing the Railroad Commission of the State of Texas with authority to fix said rate of storage; regulating giving of certificates for oil received, providing for the negotiability and prohibiting the sale of oil in storage without the owner's consent, and providing for monthly reports of oil received and on hand, and declaring an emergency."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 223, being "An Act establishing the Eighteenth and Sixty-sixth Judicial Districts of the State of Texas, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for the Sixty-sixth Judicial District, and declaring an emergency."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 69, being "An Act to amend Article 1148, Title XXIX, Chapter 2, Revised Civil Statutes of the State of Texas, relative to the duties of county clerks,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 131, being "An Act authorizing railroad companies to construct connecting tracks, spurs and sidings under certain conditions; defining when it is an abuse not to connect; and requiring them to connect when ordered to do so by the railroad commission, and providing the right of condemnation for said purposes; and defining the powers of the railroad commission in regard to said matters."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 4, being Joint Resolution to amend Section 2 of Article VIII of the Constitution of the State of Texas, relating to creating exemptions from taxation,

And find the same correctly engrossed.

BARRETT, Chairman.

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 102, being "An Act to amend an Act entitled 'An Act to provide a charter for the city of Marshall, Harrison county, Texas, defining its boundaries; providing officers and prescribing their duties and powers, creating a corporation court, and defining its powers and jurisdiction, and declaring an emergency,' approved March 23, 1903, by amending Section 1 of Article 4a of said Act, and adding thereto Sections 2 and 3, and by amending Sections 1, 4 and 5 of Article 6 of said Act, and by adding thereto Sections 7, 8, 9, 10, 11 and 12, said sections relate to sidewalks and streets, to taxation and the issuance of bonds, and declaring an emergency,"

And find the same correctly enrolled.

TERRELL, Chairman.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate concurrent resolution No. 6. Be it resolved by the Senate, the House of Representatives concurring, That we note with approval the announcement from Washington that President Roosevelt has directed a full investigation to be made into the affairs and methods of the Standard Oil Company by the Commissioner of Corporations.

2. That we heartily endorse this action of the President, and respectfully request him to direct the Commissioner of Corporations to extend his investigations to Texas, with a view of ascertaining all facts in connection with the operation of companies allied with the Standard Oil Company or other oil companies, if any, now operating in Texas.

3. That an engrossed copy of this resolution be forwarded to the President.

And find the same correctly enrolled.

TERRELL, Chairman.

THIRTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, March 9, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll called, quorum present, the following Senators answering to their names:

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent—Excused.

Faulk,

Hanger.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Tuesday, on motion of Senator Hill, the same was dispensed with.

EXCUSED.

On motion of Senator Hill, Senator Glasscock was excused from attendance upon the Senate for Tuesday on account of business.

On motion of Senator Glasscock, Senator Faulk was excused from attendance upon the Senate for Tuesday and today on account of business.

On motion of Senator Holland, Senator Chambers was excused from attendance upon the Senate for Tuesday on account of business.

On motion of Senator Davidson, Senator Hanger was excused from attendance upon the Senate for Tuesday and today, on account of business.

PETITIONS AND MEMORIALS.

Senator Hill presented a memorial from the citizens of Reeves county, protesting against certain statements made in reference to Senate bill No. 126 some several days ago. The petition was read before the Senate.

Senator Davidson offered and had adopted a resolution to the memory of the late Hon. L. H. Browne, a former member of the State Senate. See memorial page of today's Journal.

By Senator Decker:

Petition from the citizens of Swisher county, requesting relief by passing a validating act by which the location of their lands may be definitely ascertained and settled, as purchased from the State according to the Hutchinson survey or "Iron Pipe Corner Survey," and giving them the preference right to purchase excess in surveys owned by them.

The petitions were referred to Committee on Public Lands and Land Office.

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Decker:

Senate bill No. 269, a bill to be entitled "An Act to validate surveys and locations of school and patented lands in Swisher county, and to regulate the resurvey, sale and purchase of the excess in same."